IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1828 of 2005

Between:

Smt. K. Madhavi, W/o. Gnaneswar,
H.No. 3-2-9, Raipura, Hanamkonda, Warangal District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Warangal District.
2 The Mandal Revenue Officer, Hanamkonda, Warangal District.
3 Nelaboti Shyam Kumar, S/o. Not Known,
R/o. Raipura, Hanamkonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order dated 31-1-2005 in Proc. No. E/385/2005 passed by the 1st respondent where by terminating the appointment of the petitioner as Fair Price Shop Dealer of Shop No.36, Raipura, Hanamkonda, Warangal district as illegal, arbitrary and violation of Principles of Justice.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos.1 & 2: GP FOR CIVIL SUPPLIES

This Court at the stage of admission made the following:

ORDER:

The petitioner seeks to issue a writ of Mandamus declaring the proceedings No.E/385/2005, dated 31.01.2005, issued by respondent No.1, whereunder the appointment of the petitioner as

Fair Price shop dealer of Shop No.36, Raipura, Hanamkonda, Warangal District was terminated, as illegal and arbitrary.

The petitioner was appointed as a temporary dealer of the aforesaid fair price shop vide proceedings, dated 23.09.2003, and it was extended from time to time till January, 2005. While so, based on the report of the Deputy Tahsildar, respondent No.1 on the ground that the petitioner is not residing in the vicinity of the fair price shop and was running the shop benami, passed the impugned proceedings dated 31.01.2005 cancelling the authorization of the petitioner to run the fair price shop.

The grievance of the petitioner is that the Deputy Tahsilder conducted the enquiry behind her back, in violation of the principles of natural justice and therefore, the impugned proceedings, passed by respondent No.1 on the basis of the said report, cannot be sustained, and is liable to be quashed and set aside.

A counter-affidavit is filed, *inter alia*, denying the allegations made in the affidavit. It is stated that the petitioner made a representation, dated 04.02.2005, to the Joint Collector, Warangal, stating that due to demise of her father, she left to her parents house and entrusted the conduct of business of the fair price shop to her near relative for two months. Though she made such a statement in the representation made to the Joint Collector, copy of which is filed, in the writ affidavit she stated that she is continuously residing in the vicinity of the fair price shop. Therefore, considering the fact that the petitioner is not residing at the place where the fair price ;shop is located, respondent No.1 passed the impugned order, cancelling the fair price shop authorization of the petitioner, and no exception can be taken thereto.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for the respondents.

The petitioner, admittedly was appointed as fair price shop dealer on temporary basis, and the same was being extended from

time to time. Inasmuch as in the representation made to the Joint Collector, the petitioner has clearly stated that due to the death of her father, she left to her parents house for a period of two months and is residing there, and that she had entrusted the fair price shop to her near relative, her contention in the writ petition that she the Deputy Tahsildar had conducted enquiry behind her back cannot be accepted. Inasmuch as the petitioner herself has admitted that she is not residing in the vicinity of the fair price shop, and having regard to the fact that her appointment was temporary, she could not have entrusted the fair price shop to her near relative, and as such, no exception can be taken to the action of respondent No.1 in cancelling the authorization of the fair price shop of the petitioner.

However, having regard to the fact that as of now no person is appointed as fair price shop dealer for the shop in question, keeping in view the interest of the general public, and particularly keeping in view the fact that the card holders should not be put to inconvenience, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents shall initiate process for appointing a permanent fair price shop dealer for the shop in question and complete the same within a period of six weeks from the date of receipt of a copy of this order, and till such appointment is made, the petitioner shall be continued as fair price shop dealer of the shop in question.

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27.04.2005

dr/tvk

To

1 The Revenue Divisional Officer, Warangal District.
2 The Mandal Revenue Officer, Hanamkonda, Warangal District.
3 2 CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies